

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	Subcategory Case No. 06-11337
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)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
<i>State of California, ex rel. Ven-A-Care v.</i>)	Magistrate Judge
<i>Abbott Laboratories, et al.</i>)	Marianne B. Bowler
Case No. 03-cv-11226-PBS)	
)	

MOTION BY THE STATE OF CALIFORNIA TO COMPEL
DEFENDANT SANDOZ, INC. TO PRODUCE A RULE 30(B)(6) WITNESS

Plaintiff State of California respectfully moves this Court for an order compelling Defendant Sandoz, Inc. to produce a witness for deposition pursuant to Fed. R. Civ. P. 30(b)(6). The grounds for this motion are set forth in the accompanying Memorandum of Points and Authorities. A proposed Order is also attached.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) Plaintiff requests oral argument on this motion.

Dated: February 6, 2009

Respectfully submitted,

/s/ Steven U. Ross
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STATE OF CALIFORNIA

CERTIFICATE PURSUANT TO LOCAL RULES 7.1 AND 37.1

I certify that the moving party communicated with counsel for Sandoz, Inc. in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Steven U. Ross

Steven U. Ross

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on February 6, 2009, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Steven U. Ross

Steven U. Ross